



California Department of Education Federal Program Monitoring 2018-19 Notification of Findings

March 08, 2019

This is the official Notification of Findings (NOF) report of the review visit conducted by the California Department of Education (CDE). Because the methodology of the review involves sampling, it is not an assessment of all legal requirements. Nevertheless, the local educational agency (LEA) is responsible for operating its federal categorical programs in compliance with all applicable laws and regulations.

Local Educational Agency: San Diego Unified (3768338000000)

Review Date(s): 02/25/2019 - 03/08/2019

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Program Reviewed	Program Reviewer	Total Findings
Adjusted Cohort Graduation Rate (ACGR)	Jessica Gray, Wendy Jenkins	0
Before and After School (BASP)	Fred Buggs	0
Compensatory Education (CE)	Chimeng Yang	2
Career Technical Education (CTE)	Bryan Baker	1



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Program Reviewed	Program Reviewer	Total Findings
Education Equity (EE)	Francina Dickson	6
Early Education and Support (EES)	Sandy Patitucci	4
English Learner (EL)	Ron Addington, Elisa Ayala	9
Fiscal Monitoring (FM)	Tami Pierson, Mariann Bjorkman	1
Physical Education (PE)	Ramiro Nava	2
Supporting Effective Instruction (SEI)	Juan Sanchez	0
Uniform Complaint Procedures (UCP)	Sally Lewis, Raquel Castellon, Bobby Dalton Roy	2

The LEA is required to resolve each Federal Program Monitoring (FPM) finding within 45 calendar days which ends on 04/22/2019. Corrective actions made to resolve findings must be implemented at all sites in the LEA and the new procedures must be used in the future.

When a FPM finding cannot be resolved within this 45 calendar day period, the LEA submits a resolution agreement request using the "Resolution Agreement" process via CMT. Authorized LEA staff may request suggestions from CDE staff on the resolution of findings.

NOTE: Copies of this report were distributed to the Agency. This is a public report and must be made available upon request. (California Public Records Act, Government Code section 6250)

Sites Reviewed	Programs Reviewed
Balboa Elementary (37683386039168)	EL
Central Elementary (37683386039366)	CE, BASP, PE, EES
Clairemont High (37683383731213)	CTE
Clark Middle (37683386114060)	CE, EL, BASP, UCP, PE
Crawford High (37683380107177)	CTE
Euclid Elementary (37683386039523)	CE, EL, BASP, UCP, PE, EES
Fay Elementary (37683386039762)	CE, EL, BASP, PE
Garfield High (37683383737962)	CTE

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Sites Reviewed	Programs Reviewed
Hamilton Elementary (37683386039705)	EL
Henry High (37683383732781)	CTE
Hoover High (37683383732997)	CE, EL, BASP, UCP, PE, CTE, ACGR
Kearny College Connections (37683380107094)	CTE
Kearny Digital Media & Design (37683380107078)	CTE
Kearny Eng Innov & Design (37683380107102)	CTE
Kearny SCT (37683380107086)	CTE
La Jolla High (37683383733508)	CTE
Lincoln High (37683380114025)	CE, BASP, PE, CTE, ACGR
Madison High (37683383733698)	CTE
Mira Mesa High (37683383730181)	CTE
Mission Bay High (37683383734431)	CTE
Morse High (37683383734654)	CE, EL, BASP, PE, ACGR
Pacific Beach Middle (37683386059695)	EL
Point Loma High (37683383735750)	CTE
Rosa Parks Elementary (37683386114375)	CE, BASP, PE, EES
San Diego Business/Leadership (37683380107052)	CTE
San Diego Science and Technology (37683380107219)	CTE
San Diego SCPA (37683383730371)	CTE
Scripps Ranch High (37683383730884)	CTE
Serra High (37683383730173)	CTE
Twain High (37683383730231)	CTE
University City High (37683383730314)	CTE

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Monitoring Results by Program

Adjusted Cohort Graduation Rate

No program findings resulted from this monitoring review. No further action is required.

Before and After School

No program findings resulted from this monitoring review. No further action is required.

Compensatory Education

1. CE 01: Local Educational Agency (LEA) Parent and Family Engagement Policy

The local governing board shall adopt and implement a policy on parent and family engagement. Each LEA receiving Title I, Part A funding shall develop jointly with, agree on with, and distribute to, parents and family members of participating children, a written parent and family engagement policy describing how the LEA will complete elements CE 1.1 (a) – (g) and CE 1.2 – CE 1.6.

The LEA has been working diligently with stakeholders (i.e., DAC, DELAC, etc.) to develop the LEA-level Parent and Family Engagement Policy. However, the policy has not been completed and submitted to the local board for approval. The policy will be sent to the local board for review and approval after it is completed. Once the policy is approved by the local board, the LEA will distribute the policy to all parents of Title I students in the district.

The LEA must upload the following documents to address the above requirement:

1. Board-approved LEA-level Parent and Family Engagement Policy containing all required elements that reflect ESSA requirements (CE 01).
2. Local board meeting minutes and agenda showing the approval of the LEA-level Parent and Family Engagement Policy.
3. Documents or evidence attesting to the distribution of district-level Title I parent and family engagement policy to all parents and family members of Title I, Part A students.

2. CE 09: LEA Disburses Funds Consistent with Consolidated Application and Reporting System (CARS)

The LEA must expend Title I, Part A funds reserved in CARS for the stated and approved purpose of the reservation to serve only Title I participating students. For programs funded by Title I, Part A, the LEA shall use no less than 85 percent of those apportionments at school sites

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for direct services to students.

According to the 2017-18 CARS LEA allocation, the LEA received \$38,905,261 Title I, Part A funds. The LEA reserved \$521,330 to provide equitable services to eligible Title I students attending non-profit private schools. The LEA reserved \$5,757,590 (15% indirect and admin) to provide administrative services to support the implementation of Title I programs to all Title I schools. The LEA also reserved additional \$17,126,517 at the central office to provide direct services to Title I students at the Title I schools. According to the 2018-19 CARS LEA allocation, the LEA received \$36,691,378 Title I, Part A funds. The LEA reserved \$440,297 to provide equitable services to eligible Title I students attending non-profit private schools. The LEA reserved \$4,728,402 (15% indirect and admin) to provide administrative services to support the implementation of Title I programs to all Title I schools. The LEA also reserved additional \$16,022,550 at the central office to provide direct services to Title I students at the Title I schools.

The uploaded fiscal documents including the Title I Central Office Actuals Expense Details and AP Vouchers 030519 for Object Codes 4000 thru 5999 including tabs for individual departments along with the requested information of 85/15 and Intended Title I purpose as well as the San Diego Unified Title I 30100 through 30109 General Ledgers for Title I, Part A LEA Reservations did not provide sufficient information to substantiate that the use of all Title I funds at the district central office aligned with the intended purpose of the funds. Based on a review of these documents, it could not be confirmed that the LEA used the 15% indirect and admin to provide administrative services to support the implementation of Title I programs to all Title I schools and other reservations from 85% (direct services) at the central office to provide direct services to Title I students at the Title I schools according to the intended purpose of the funds.

The revised Title I Central Office Actuals Expense Details and AP Vouchers 030519 for Object Codes 4000 thru 5999 was uploaded for review on the last day late afternoon of the review. However, the reviewer did not have sufficient time to review the document. The reviewer will review the document and may request for additional evidence if the information is not sufficient to address the requirements. If an activity is not allowable under Title I, CDE will inform the LEA to complete a journal entry to reverse the funds back to the Title I account for other allowable uses.

For the Visual and Performing Arts: Learning through the Arts and Arts Education Project, the LEA must submit the following evidence:

1. District rationale for using Title I funds for the Visual and Performing Arts Programs
2. Descriptions of district core program for the Arts and program descriptions for Learning through the Arts and Arts Education Project
3. Additional sample lesson plans for each grade and discipline for Learning through the Arts and Arts Education Project.
4. Contracts
5. Expenditure reports for the Visual and Performing Arts with a column on the right to briefly

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explain the intended purpose of the expense for each line item.

After reviewing the documents, CDE will determine whether the expenses are allowable under Title I. If an activity is not allowable under Title I, CDE will inform the LEA to complete a journal entry to reverse the funds back to the Title I account for other allowable uses.

Career Technical Education

1. CTE 03: Programmatic Requirements: High Quality CTE Program

The Perkins Act and the California State Plan for CTE require that LEAs meet all of the requirements of a high quality CTE program, including pathways that are a coherent sequence of courses and that are of sufficient size, scope, and quality to be effective.

San Diego USD's Patrick Henry High School has pathways that commonly have courses that are double-rostered, or what Henry High calls "stacked," i.e. two or more courses of the sequence are being taught in the same class during the same class period. This is a violation of the coherence rule and the rule of having a program of sufficient size, scope, and quality to be effective. Access and coverage of CTE model curriculum standards aside, in pathways where power tools and heavy equipment is commonly used, this is a safety concern as well. An example of an exception to the rule against double-rostering would be for a new pathway that is growing, or an old pathway that is dying--double-rostering a capstone course in this case, on a temporary basis (not more than one year) is appropriate. Another example is with an enrichment course where four or less students who have already completed the pathway are used primarily as student leaders helping to deliver the regular curriculum of pathway course, and secondarily may work on independent projects.

To show compliance with regard to the coherence rule and of having pathways of sufficient size, scope, and quality to be effective, SDUSD must submit a transition plan such that (1) Henry High's 2019-20 master schedule allows no other classes other than one period of each pathway's capstone class to be double-rostered, and (2) no classes are double-rostered following the 2019-20 school year. While other school sites have some pathways with some double-rostering, it is being used on a temporary basis and they are already executing plans to phase out the practice completely.

Education Equity

1. EE 01: Administrative Requirements

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The LEA must ensure it has publicized policies that prohibit discrimination, harassment, intimidation, and bullying, including: (a) Information about how to file a complaint, to students, parents, employees, agents of the governing board, and the general public. (b) Identify the person in the LEA responsible for implementation of the policy prohibiting discrimination, harassment, intimidation, and bullying; and the person responsible for investigating complaints, as well as ensuring compliance with the following: 5 CCR §§ 4600 and 4900; and EC §§ 200–283. The contact information (i.e., name, office address, office telephone number, and e-mail address) of the officer responsible for equity and compliance with Title IX, must also be included.

(c) This information is to be translated according to EC § 48985.

The LEA has not shown consistent compliance with ensuring that the publicized policies contain the nondiscrimination statement, nor complaint policy with Title IX officer's contact information. This is based on a review of the course catalogs, certificated, management and classified job applications, parent student handbooks; to parents, students, employees and stakeholders of the Agency. Based on on-site inspection, the District has not posted the employee nondiscrimination, complaint, and sexual harassment policy nor has any confirmation from the District's superintendent been received.

The LEA must provide evidence of compliance with publicizing policies that prohibit discrimination, harassment, intimidation and bullying by uploading parent/student handbooks which contain the core information regarding the nondiscrimination and complaint policies with a referral to the policies or the nondiscrimination and complaint policies. The LEA must also provide current school catalogs and education program/activity brochures for Lincoln, Morse, Hoover, and Clark which contains the nondiscrimination statement with the correct Title IX Compliance officer contact (i.e., name, office address, office telephone number, and email address), 2018-19 course catalogs for Hoover (with course description) and Lincoln, job applications with nondiscrimination statement and Title IX officer's contact information. Stickers with the nondiscrimination statement and Title IX officer's information may be used on these items. The LEA must also provide proof of the posted nondiscrimination and sexual harassment policies for students and employees throughout the district office and upload the documents.

2. EE 02: Governance Counseling Materials and Staff

The LEA must ensure that all counseling guidance materials do not discriminate against any student based on actual or perceived ancestry, age, color, disability, gender, gender identity, gender expression, nationality, immigration status, race or ethnicity, religion, sex, sexual orientation, or association with a person or a group with one or more of these actual or perceived characteristics according to EC §§ 200, 220, 221.5, 234.7, and 260; GC § 11135; PC § 422.55; 5 CCR §§ 4900, 4902, 4930, 4931[a], 4940 and 4960.

Based on reviewing documents, the course catalog for Hoover was missing course descriptions and the course catalog for Lincoln was not uploaded. Education program recruitment materials

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related to academic counseling, career guidance and counseling materials were not included for Hoover, Lincoln, Morse or Clark. Therefore, the Agency has not shown compliance in these areas.

The LEA must upload the following documents to show compliance with this section: 1) Course Catalogs for Hoover (which contains course descriptions) and Lincoln. Both need to contain the nondiscrimination statement with Title IX Compliance Officer(s) contact information (stickers with the nondiscrimination statement on the catalogs are acceptable); 2) Educational program recruitment materials related to academic counseling, career guidance and counseling materials for Hoover, Lincoln, Morse and Clark.

3. EE 04: Sex Equity

The LEA must ensure a copy of the agency's written policy on sexual harassment is provided: (a) as it pertains to students, as part of any orientation program conducted for new students at the beginning of each quarter, semester, or summer session, as applicable; (b) to all agency staff (faculty, administrative and support) at the beginning of each quarter or semester or at the time a new employee is hired; (c) in any publication of the institution that sets forth the comprehensive rules, regulations, procedures and standards of conduct for the institution. The LEA maintains records of complaints of sexual harassment brought by pupils and employees of the school district. (EC § 253[a]; 5 CCR §§ 4960[b] and 4961). The LEA policy on sexual harassment is displayed in a prominent location in the main administrative building and other areas of the campus and school sites. (EC § 231.5[d])

Based on a review of the documents, student orientation materials which contain student harassment policies were not uploaded, employee sexual harassment and student sexual harassment policies were missing from the annual employee notifications; two informal Title IX complaints were outside of policy's guideline. Employee sexual harassment policy had not been distributed nor posted. Two informal complaint resolution letters missed the deadline of 10 school days, due to need for translation of the documents. Superintendent certification of sexual harassment/sexual discrimination employee policy postings was not provided.

The LEA must upload the following documents to show compliance with this section: student orientation materials with the student nondiscrimination and sexual harassment policy with Title IX compliance officer's contact information and student/parent annual notification packet which includes student nondiscrimination/sexual harassment policy with Title IX compliance officer's information; annual employee notification with the employee and student nondiscrimination and sexual harassment policies with the Title IX compliance officer's contact. Also, please upload screenshots of annual employee notification with updated employee and student policies (BP/AR 4030, BP4119.11, BP/AR 5143, BP/AR 1312.3, BP/AR 5145.7); Confirmation Statement of Sexual Harassment and Nondiscrimination Policy Postings with proof that the eight school sites selected for the Federal Program Monitoring Review have the updated board policies 5145.3 and 5145.7 and 4030 and 4119.11 posted in the prescribed areas. This can be accomplished by providing a copy of an email that has been sent to the eight school sites. The

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email must include a directive that the board policies must be posted in the prescribed areas with the correct board polices attached.

4. EE 06: Opportunity and Equal Educational Access

The LEA may task the governing board of the school district to monitor compliance with any and all applicable nondiscrimination rules and regulations. All student clubs have equal access to facilities and a fair opportunity to meet. No course or activity is labeled or scheduled in a way which results in the separation of students on the basis of sex, sexual orientation, gender identity, race, ancestry, national origin, religion, color, and mental or physical disability. Sex-segregated programs, activities, and facilities, including the participation in all sex-segregated athletic teams and in all sex-segregated competitions, shall be available to all pupils on the basis of their individual gender identity, irrespective of the gender listed on a pupil's records.

Based on a review of documents provided, the Agency submitted Board Policy 6145.2, but the additional language from AR 6145.2 is missing. The agency has proposed the AR 6145.2 Athletic Competition for board approval on March 13, 2019. The 2018-19 course catalog for Lincoln is missing; course descriptions for Hoover are missing from the 2018-19 course catalog.

The LEA must upload the following documents to show compliance with this section: Board approved AR 6145.2, Athletic Competition as soon as it becomes available; the course catalog for Lincoln and course catalog with descriptions for Hoover. These catalogs must have the nondiscrimination statement and Title IX Compliance Officer's contact information.

5. EE 07: Access to Athletics and Facilities

The LEA ensures that each public elementary, secondary school, and charter school offering competitive athletics shall make all of the following information publicly available at the end of the school year and shall reflect the total number of players on a team roster on the first official day of team competition: total enrollment of the school, classified by gender; number of pupils enrolled at the school who participate in competitive athletics, classified by gender; number of boys' and girls' teams, classified by sport and competition level. (a) This information shall be posted on the Internet and be listed by individual school. (b) All data utilized to compile each school's information shall be retained by the school for a minimum of three years after the information is posted on the Internet. Facilities and equipment provided for students are comparable and equitable to both sexes without disparity or imbalance, consistent with his or her gender identity, irrespective of the gender listed on the pupil's records.

Based on a review of the documentation, the number of players on a team roster on the first official day of team competition was missing from the website data from each site: Hoover, Point Loma, Lincoln; Language from AR 6145.2 is missing from the current policy; and athletic handbooks from Lincoln, Hoover, and Point Loma are missing; newsletters for promotion and

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recruitment of students was missing from Hoover and Lincoln.

The Agency must upload the following documents to show compliance with this section: Agency Athletic Web Page for the three school sites with competitive athletics programs; The page must also include athletic data -for three school years- pursuant to EC 221.9; Athletics Recruitment and Participation Materials; and add language from AR 6145.2 Agency or School Policy Related to Competitive Athletics.

6. EE 08: Immigration and Citizenship Status

LEA shall ensure that all school officials and employees of an LEA shall not collect information or documents regarding citizenship or immigration status of pupils and their family members. The Agency shall report to the responsible governing board in a timely manner any requests for information or access to a school site by an officer or employee of a law enforcement agency for the purpose of enforcing the immigration laws in a manner that ensures confidentiality and privacy of any potentially identifying information. If an employee of a school is aware that a pupil's parent or guardian is not available to care for the pupil, the school shall first exhaust any parental instruction relating to the pupil's care in the emergency contact information it has for the pupil to arrange for the pupil's care. A school is encouraged to work with parents or guardians to update the emergency contact information and not to contact Child Protective Services to arrange for the pupil's care unless the school is unable to arrange for care through the use of emergency contact information or other information or instructions provided by the parent or guardian. The Agency's governing board shall do both of the following: (a) Provide information to parents and guardians, as appropriate, regarding their children's right to a free public education, regardless of immigration status or religious beliefs. This information shall include information relating to "know your rights" immigration enforcement established by the Attorney General and may be provided in the annual notification to parents and guardians pursuant to § 48980 or any other cost-effective means determined by the LEA. All LEAs shall adopt policies based on the Promoting a Safe and Secure Learning Environment for All model developed by the state Attorney General.

After a review of the evidence provided, the following policies were missing: (a) Agency Policy Regarding Information Sharing, (b) Agency Policy Regarding Monitoring and Receiving Visitors onto Campus, (c) Agency Policy Regarding Parental Notification of Immigration Enforcement, (d) Agency Policy Regarding Responding to On-Campus Immigration Enforcement, (e) Agency Policy Regarding Response to the Detention or Deportation of a Student's Family Member, (f) Agency Policy Related to Collecting and Retaining Students Information, (g) Agency Policy Related to Inquiries Regarding Immigration Status, Citizenship Status Information, and (h) Agency Policy Related to Inquiries about Social Security Numbers and Cards; and, (i) Proof of dissemination of the "Know Your Rights" information (in the appendix "Promoting a Safe and Secure Learning Environment for All" guide) was not provided.

The LEA must upload the following: (1) Adopted board policies that contain the language outlined under the "Promoting a Safe and Secure Learning Environment for All", for (a) Agency Policy Regarding Information Sharing, (b) Agency Policy Regarding Monitoring and Receiving Visitors onto Campus, (c) Agency Policy Regarding Parental Notification of Immigration

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Enforcement, (d) Agency Policy Regarding Responding to On-Campus Immigration Enforcement, (e) Agency Policy Regarding Response to the Detention or Deportation of a Student's Family Member, (f) Agency Policy Related to Collecting and Retaining Students Information, (g) Agency Policy Related to Inquiries Regarding Immigration Status, Citizenship Status Information, and (h) Agency Policy Related to Inquiries about Social Security Numbers and Cards; and, (i) Distribute the "Know Your Rights" information (in the appendix "Promoting a Safe and Secure Learning Environment for All" guide). Proof of dissemination must be provided.

Early Education and Support

1. EES 02: Family Eligibility Requirements

The LEA is required to document family size and income eligibility for each family with children enrolled in the part day or full day program.

A review of the documentation collected by the district for the certification of family eligibility files revealed, not all files contain documentation for family size. For determination of gross family income errors were found in the calculations of the income used to certify the family for services.

The LEA will submit evidence of training for all site eligibility clerks that includes the process for collecting and calculating income and documenting the family size.

2. EES 03: Child Need Requirement Verification

The LEA is required for each family with children enrolled in the full day program to determine the family has a need for longer service hours.

A review of the documentation collected by the district found some files lacked documentation to support the certified hours of service.

The LEA will submit evidence of training for all site eligibility clerks that includes the process for collecting and determining the approved certified hours of service.

3. EES 04: Recording and Reporting Attendance

The LEA is required to adopt policies and procedures for attendance that includes recording and tracking attendance for the purpose of reimbursement.

The review of the attendance records found errors in the tracking system. Sign in and out documentation found arrival or departure times and full signature of the person dropping off or

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picking up the child were missing for some of the records. Errors were found when no reason was documented for absent days and the day was claimed as excused. Some of the reasons given for excused absent days were not reasons adopted in the district attendance policy.

To resolve the attendance finding the district will provide evidence of correcting the attendance tracking system and train all site clerks for one procedure to track and record attendance.

4. EES 18: Environment Rating Scale

The LEA is required to maintain scores of 5.0 on each subscale of the Early Childhood Environment Rating Scale (ECERS) for each toddler and preschool classroom.

Two classrooms were scored during the review to determine whether the requirement is met. The evidence of the completed scores revealed that some of the subscales did not score at the required 5.0.

To resolve this finding, the LEA must adopt a plan to ensure scores for each subscale will be maintained at a 5.0.

English Learner

1. EL 01: English Learner Advisory Committee (ELAC)

A school site with 21 or more English Learners (ELs) must have a functioning English Learner Advisory Committee (ELAC) that meets the following requirements: (a) Parent members are elected by parents or guardians of ELs. (b) Parents of ELs constitute at least the same percentage of the committee membership as their children represent of the student body. (c) The ELAC shall be responsible for assisting in the development of a schoolwide needs assessment and ways to make parents aware of the importance of regular school attendance. (d) The ELAC shall advise the principal and staff in the development of a site plan for ELs and submitting the plan to the school site council for consideration of inclusion in the Single Plan for Student Achievement (SPSA). (e) The ELAC receives training and materials, planned in full consultation with committee members, to assist members in carrying out their legal responsibilities. Each ELAC has the opportunity to elect at least one member to the District English Learner Advisory Committee (DELAC).

A review of the ELAC documentation from Hoover High School (HHS) as well interviews with ELAC parent members demonstrates that parents of ELs do not constitute at least the same percentage of the committee membership as their children represent of the student body. At Fay Elementary, interviews with parent members demonstrates that there has not been sufficient comprehensible training and training materials planned in full consultation with committee members to assist them in carrying out their legal responsibilities. Although Pacific Beach Middle (PBM) has elected two parent ELAC members, evidence provided did not demonstrate the completion of any legally required tasks nor an opportunity to elect at least one member to the DELAC.

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SDUSD must submit evidence that in HHS's ELAC membership, parents of ELs constitute at least the same percentage of the committee members as their children represent of the student body. Evidence may include, but is not limited to, nomination forms, ballots, election documents, and a roster of new ELAC members who are parents of ELs.

San Diego Unified School District SDUSD must submit evidence that Fay Elementary's ELAC members have received additional comprehensible training planned in full consultation with committee members to assist them in carrying out their legal responsibilities. Evidence may include, but is not limited to, notes or meeting minutes demonstrating planning for training in consultation with members, training materials, agendas, minutes, and sign-in sheets for meetings where the training occurred.

SDUSD must submit evidence that PBM's ELAC has completed all legally required tasks, such as agendas, minutes and sign-in sheets, as well as a plan detailing efforts to continue developing and sustaining EL parent participation.

2. EL 02: District English Learner Advisory Committee (DELAC)

Each California public school district with 51 or more ELs must form a DELAC unless the district designates for this purpose a subcommittee of an existing districtwide advisory committee. Parents or guardians, or both, of pupils of limited English proficiency who are not employed by the district shall constitute a majority of the committee.

A review of documents demonstrates that San Diego Unified School District's (SDUSD) DELAC is not comprised of a majority of parents or guardians of ELs.

SDUSD must submit documentation to demonstrate the DELAC is comprised of a majority of EL parent or guardians as well as a plan demonstrating how the district will encourage and sustain EL parent involvement and participation in the DELAC. The plan may include a shift to a system of proportional or regional representation where membership consists of a majority of parents or guardians of ELs.

3. EL 03: Identification and Assessment

Each LEA must properly identify and assess all students who have a home language other than English. Within 30 calendar days of initial enrollment, each student whose home language is other than English, as determined by the Home Language Survey, must be assessed for English proficiency by means of the current English language proficiency assessment. Administration of the assessment must follow all of the publisher's instructions. Each LEA must annually assess the English language proficiency and academic progress of each English Learner (EL). All currently enrolled ELs must be assessed for English language proficiency by administering the current English Language Proficiency Assessments for California (ELPAC) during the annual assessment window. Each EL on an active individualized education plan (IEP) or Section 504 Plan must be annually assessed for English language proficiency using the accommodations, modifications, or alternate assessments for the current ELPAC as specified in the student's IEP or Section 504 Plan. Each LEA must identify all immigrant children and youth (ages 3 through 21), who were not born in any state in the U.S. and have not attended school in any state in the U.S. for more than three full academic years.

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A review of documentation from San Diego Unified School District (SDUSD) indicated that 2017-18 ELPAC data was not available for approximately 2,000 EL students who currently attend SDUSD. Additionally, IEPs provided by the district for the review in CMT and on site did not contain EL students' ELPAC or other language proficiency test scores to ensure they are part of the legal record of the IEP. Designated supports and accommodations for ELPAC testing were also not included in IEPs from the reviewed schools. Furthermore, documentation for the district's procedures for identifying immigrant students, per the federal definition used to qualify for Title III Immigrant funds, was not provided.

SDUSD must provide documentation of its processes and procedures related to tracking all students in the LEA that should be administered the ELPAC. That process must include appropriate procedures for students entering the LEA throughout the school year, whether from another California school district or outside California, as well as a chart or other documents that clarify which employees are responsible for each part of the process. At the close of the ELPAC testing window SDUSD must also provide documentation for all current EL students which shows the date on which each student's ELPAC test was completed. Additionally, the district must provide training for special education staff regarding the inclusion of annual language proficiency levels as consideration of the language needs of ELs with disabilities, as well as evidence that the IEP team considered whether designated supports and/or accommodations for the ELPAC are appropriate for the student. Evidence may include but is not limited to agendas, sign-in sheets, and meeting minutes from training. Redacted new or amended IEPs must be uploaded for the students whose original IEPs were found to be incomplete during the pre-review and on-site review. Finally, documentation of SDUSD's internal procedures for properly identifying immigrant students, including responsible employees, must be uploaded.

4. EL 07: Supplement, Not Supplant with Title III & EIA-LEP

General fund resources must be used to provide services and programs for ELs, including ELD and access to the core curriculum. The provision of such services and programs must not be contingent on the receipt of state or federal supplementary funds. Each LEA must use Title III funds only to supplement, not supplant federal, state, and local public funds that, in the absence of such availability, would have been expended for programs for ELs and immigrant children and youth and in no case to supplant such federal, state, and local public funds.

San Diego Unified School District (SDUSD) failed to provide all of the requested financial records for the Title III Program. As a result, SDUSD was unable to substantiate the expenditures charged to the Title III program. Specifically, the following issues were identified: 1) Documentation for 2017-18 Title III expenditures was not provided in a timely manner. 2) Salaries and benefits were improperly charged to Title III for employees whose work included duties that were not eligible Title III activities. 3) Documentation that was provided demonstrated unallowable expenditures of Title III funds.

The LEA must upload to CMT the requested time accounting and expenditure backup documents for review. If the LEA fails to provide the requested documentation for review, or if the documentation does not meet federal requirements, the LEA may be required to reimburse up to approximately \$5,000,000 to their Title III accounts. Once the aforementioned documents are received, further action may be required. In addition, the expenditure of \$2,683.62 on tablecloths must be reimbursed to Title III Immigrant resource 4201 from an unrestricted funding

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source and a journal entry must be uploaded as evidence of completion of the transfer.

5. EL 09: Evaluation of EL Program Effectiveness

A program evaluation must be provided by each LEA and must be used to determine: (a) The degree to which, within a reasonable amount of time: i. English Learner (ELs) are attaining English language proficiency comparable to that of average native speakers of English in the district. ii. EL students' academic results indicate that ELs are achieving and sustaining parity of academic achievement with students who entered the district's school system already proficient in English. (b) The effectiveness of programs and activities in assisting ELs to attain proficiency and to meet academic achievement and content standards. (c) Necessary improvements to programs and activities for which Title III funds have been used for EL and immigrant students. (d) Whether to eliminate specific EL activities proven to be ineffective.

San Diego Unified School District (SDUSD) has not provided documentation which demonstrates that it has conducted an evaluation of its EL program.

SDUSD must upload documentation showing that it has conducted an evaluation of the EL program for the LEA, which includes a – d, above.

6. EL 10: Reclassification

Each LEA must reclassify a student from English learner (EL) to proficient in English by using a process and criteria that includes, but is not limited to: (a) Assessment of English language proficiency. (b) Teacher evaluation that includes, but is not limited to, the student's academic performance. The term "teacher" refers to the classroom teacher and other certificated staff with direct responsibility for teaching or placement decisions of the student. (c) Opportunities for parent opinion, consultation, and involvement during the reclassification process. (d) Comparison of student's performance in basic skills against an empirically established range of performance in basic skills based upon the performance of English proficient students of the same age that demonstrate whether the student is sufficiently proficient in English to participate effectively in a curriculum designed for students of the same age whose native language is English.

A review of documents demonstrates that the reclassification (RFEP) criteria for San Diego Unified School District (SDUSD) do not meet the above requirements. In particular, the teacher evaluation criteria do not include objective guidelines for teachers to use to determine if a student meets RFEP criteria.

In addition, SDUSD does not adequately provide opportunities for parent opinion, consultation, and involvement during the reclassification process and prior to the final reclassification decision.

SDUSD must revise its RFEP criteria to include objective teacher evaluation criteria. SDUSD must also revise its RFEP procedures and forms to reflect opportunities for parent opinion, consultation, and involvement during the reclassification process and prior to the final reclassification decision. The DELAC must review and comment on these revised criteria and procedures. The DELAC must also advise the governing board on these revised criteria and

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procedures. SDUSD must upload revised criteria, forms, and procedures, as well as evidence, such as meeting minutes, which demonstrates that the revised reclassification criteria and procedures were reviewed by the DELAC and their advice was provided to the governing board.

7. EL 12: Professional Development Specific to English Learners

Each LEA must provide professional development (PD) specific to the implementation of programs for English Learners (ELs). Each LEA must provide sufficient PD to effectively implement the LEA's EL program. PD is provided to classroom teachers, principals and other school leaders, administrators, and other school or community-based organizational personnel, that is: (a) Designed to improve the instruction and assessment of ELs. (b) Designed to enhance the ability of teachers, principals, and other school leaders to understand and implement curricula, assessment practices and measures, and instructional strategies for ELs. (c) Effective in increasing the student's English language proficiency or substantially increasing the teacher's subject matter knowledge, teaching knowledge, and teaching skills as demonstrated through classroom observation. (d) Of sufficient intensity and duration (which shall not include activities such as one-day or short-term workshops and conferences) to have a positive and lasting impact on the teacher's performance in the classroom.

San Diego Unified School District (SDUSD) has not provided sufficient support for site administrators to monitor the EL strategies learned in PD to ensure they are implemented with consistency and fidelity. Additionally, at Pacific Beach Middle School (PBMS), there was not sufficient evidence to substantiate the provision of EL-specific PD of sufficient intensity and duration to have a positive and lasting impact on the teacher's performance in the classroom.

SDUSD must submit a plan outlining the process for monitoring the implementation of PD by all site administrators, a timeline for implementation of the plan as well as a letter of assurance from the Director of the Office of Language Acquisition and the area superintendents that this plan will be implemented as designed. Additionally, the district must provide two samples of completed observations from Balboa, Fay, Euclid, Hoover High and PBMS.

Furthermore, for PBMS, SDUSD must submit a thorough EL-specific PD plan, outlining training of all staff working with ELs, including teachers, administrators, and support staff, enhancing their ability to understand and use curricula, assessment measures, and instructional strategies specific to ELD, language, and core subject instruction for ELs.

8. EL 14: ELD

As part of the core program provided through general funds, all identified English Learners (ELs) must receive a program of English Language Development (ELD) instruction, in order to develop proficiency in English as rapidly and effectively as possible and meet state priorities for ELs. Each LEA must take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs. Title III funds are used to supplement the core ELD program.

A review of San Diego Unified School District's (SDUSD) adopted core materials list demonstrates that that their core ELD materials are not based on the California English Language Development Standards adopted by the California State Board of Education in

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November 2012. Furthermore, a review of documents submitted, classroom observations, and interviews demonstrated that ELs at Clark Middle, Euclid Elementary, Fay Elementary, and Pacific Beach Middle are not receiving consistent comprehensive designated ELD instruction as part of the core program. Additionally, ELs at Hoover High and Morse High who are not enrolled in courses titled ELD 1/2, ELD 3/4, ELD 5/6, or Academic Language Development, are not receiving consistent comprehensive designated ELD instruction.

SDUSD must upload evidence that all ELs will receive a comprehensive program of English language acquisition appropriate for their grade and proficiency levels. This documentation must include a plan and timeline for full implementation of the program as well as a letter of assurance from the Director of the Office of Language Acquisition and all area superintendents. The letter must assure that all schools will adhere to the LEA's program of English language acquisition, including comprehensive designated and integrated ELD instruction, and the timeline for full implementation of that program. In addition to the plan and letter of assurance, SDUSD must upload evidence from the six school sites mentioned above, including sample lesson plans, one per grade level k-5, and one per course at each abovementioned secondary school. Other appropriate evidence may include, but is not limited to, master schedules, sample student schedules, classroom observation protocols, and documentation of administrative and teacher training. The documentation shall demonstrate how all ELs will receive both designated and integrated ELD.

9. EL 15: Access to Core Subject Matter

Academic instruction for English learners (ELs) must be designed and implemented to ensure that ELs meet the district's content and performance standards for their respective grade levels within a reasonable amount of time. Each LEA must have a means to assist ELs to achieve at high levels in the core academic subjects to ensure that they meet the same challenging state content standards and achievement goals all children are expected to meet. Each LEA must monitor student academic progress and provide additional and appropriate educational services to ELs in kindergarten through grade twelve for the purposes of overcoming language barriers in each subject matter. Actions to overcome content academic barriers must be taken before the deficits become irreparable.

A review of documentation, interviews with LEA staff, and site visits to Hoover High, Pacific Beach Middle and Euclid Elementary demonstrates that students in San Diego Unified School District (SDUSD) are not consistently receiving academic instruction with sufficient strategies and differentiation to ensure ELs meet the content and performance standards for their respective grade levels. In addition, Hoover High, Clark Middle and Pacific Beach Middle have not provided documentation that they have a process for monitoring the progress of EL students, including long term English learners (LTELs) and students at risk of becoming LTEL.

SDUSD must submit evidence of a plan for implementing professional development (PD) for core content area teachers on the use differentiation, scaffolding, and other appropriate strategies for teaching academic core subjects to ELs. The plan must include a timeline for full implementation and monitoring the incorporation of these strategies in classroom instruction.

SDUSD must also upload evidence that all ELs in the LEA will be specifically monitored, including examining areas of academic concern, benchmarks and options for interventions and

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academic support, to assure they are making progress. Evidence must include a plan for implementing progress monitoring of EL students in all core subjects and a timeline for implementation. Monitoring must specifically include LTELs and students at risk of becoming LTELs. A letter of assurance from the Director of the Office of Language Acquisition and all area superintendents must also be uploaded stating that these plans will be implemented as designed.

Fiscal Monitoring

1. FM 01: Timekeeping Requirements

To support salaries and wages for employees that work on federal programs, Local Education Agencies (LEAs) are required to maintain time accounting records that accurately reflect the work performed. These time accounting records must: (1) be supported by a system of internal control which provides reasonable assurance that the charges are accurate, allowable, and properly allocated; (2) be incorporated into the official records of the LEA; (3) reasonably reflect the total activity for which the employee is compensated by the LEA, not exceeding 100% of compensated activities; (4) encompass both federally assisted and all other activities compensated by the LEA on an integrated basis, but may include the use of subsidiary records as defined in the LEA's written policy; (5) comply with the established accounting policies and practices of the LEA; and (6) support the distribution of the employee's salary or wages among specific activities or cost objectives if the employee works on more than one Federal award; a Federal award and non-Federal award; an indirect cost activity and a direct cost activity; two or more indirect activities which are allocated using different allocation bases; or an unallowable activity and a direct or indirect cost activity. Budget estimates or percentages determined before the services are performed alone do not qualify as support for charges to Federal awards.

Based on the time accounting documentation the LEA provided, CDE found several employees that were improperly charged to the Title I, Part A program. Specifically, the LEA's semi-annual time accounting records, which were certified by a supervisor as being an after-the-fact accounting of the employees' actual time worked, identified the employees as working on the Title I program; however, the employees should not have been charged to the Title I program. In another example, a certificated time card provided for one Title IV employee, improperly reported a day as worked. The time card was also certified as being an accurate statement of services by the employee, supervisor, and timekeeper. Although, the LEA reimbursed the salaries and benefits charged to the Title I program and the Title IV employee was not paid for the day not worked, it causes CDE to question the reliability of the time accounting process and the review process by the supervisor. Furthermore, during interviews with LEA employees, most did not have knowledge of the LEA's time accounting policies and procedures or federal program requirements.

The LEA must provide training to employees on federal time accounting requirements and the LEA's policies and procedures. The LEA must upload evidence of the training into the CDE Monitoring Tool (CMT), including such items as training materials, attendance records, and any other supporting documentation.

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Physical Education

1. PE 02: Instruction - Middle and High School

LEAs are to provide instruction in physical education for a total period of time of not less than 400 minutes each 10 school days to pupils in grades seven to twelve, inclusive.

Based on San Diego USD staff interviews, PE instruction observations and uploaded evidence, students enrolled in Army Junior Reserve Officers Training Corp (AJROTC) classes are receiving PE instruction from teachers at Lincoln HS, Hoover HS and Morse HS who do not hold a PE teaching credential and/or proper authorization to provide such instruction. As a result, students are not receiving the required 400 minutes each 10 school days of PE instruction from physical education teachers who hold appropriate teaching authorization to provide such instruction.

San Diego USD must upload evidence demonstrating students enrolled in AJROTC classes at Lincoln HS, Hoover HS and Morse HS are receiving 400 minutes each 10 school days of PE instruction from teachers who hold a PE teaching credential and/or proper authorization to provide such instruction.

2. PE 09: Teaching Credentials

LEAs must provide instruction in physical education to pupils in grades one through twelve, inclusive, by physical education teachers who hold appropriate teaching credentials issued by the CTC.

Based on San Diego USD staff interviews, PE instruction observations and uploaded evidence, the AJROTC teachers at Lincoln HS, Hoover HS and Morse HS are providing courses of study in which students are receiving PE credit; however, they do not hold a PE teaching credential and/or proper authorization to provide such instruction.

San Diego USD must upload evidence demonstrating all teachers providing courses of study in which students are receiving PE credit hold the appropriate PE teaching credential and/or authorization to provide such instruction.

Supporting Effective Instruction

No program findings resulted from this monitoring review. No further action is required.

Uniform Complaint Procedures

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1. UCP 01: Policies and Procedures

The LEA adopts Board Policies and Procedures regarding UCP with all language and components of required elements for applicable state and federal laws and regulations.

Upon review of the documents "AR 1312.3 Uniform Complai... Procedures-072418app.pdf" and "BP 1312.3 Uniform Complai...dures - Rev2_03052019.pdf", the LEA does not meet requirements for UCP 1 because the documents are missing the following language and components of required elements according to the 2018-2019 UCP Instrument: (a) Specific programs and activities subject to the UCP: Agricultural Career Technical Education, American Indian Education Centers and Early Childhood Education Program Assessments, California Peer Assistance and Review Programs for Teachers, Economic Impact Aid, Education of Pupils of Military Families, Every Student Succeeds Act / No Child Left Behind, State Preschool, and Tobacco-Use Prevention Education; (k) Statements that if a public school or LEA finds merit in a complaint regarding Pupil Fees, Local Control and Accountability Plans (LCAP), Education of Pupils in Foster Care, Pupils who are Homeless, and former Juvenile Court Pupils now enrolled in a school district, Reasonable Accommodations to a Lactating Pupil, Course Periods without Educational Content (grades nine through twelve), and Physical Education Instructional Minutes (grades one through eight), the public school or LEA shall provide a remedy. The remedy shall go to the affected pupil in the case of complaints regarding: Course Periods without Educational content, Reasonable Accommodations to a Lactating Pupil, and/or Education of Pupils in Foster Care, Pupils who are Homeless, and former Juvenile Court Pupils now enrolled in our school district, and pupils in military families. The remedy shall go to all affected pupils and parents/guardians in the case of complaints regarding: Pupil Fees, Physical Education Instructional Minutes, and/or LCAPs.

The LEA must provide evidence that staff added the required language. In addition, the LEA must upload evidence that both the UCP policies and the UCP procedures were submitted to the local governing board for review and adoption. Evidence includes the agenda and minutes of the meeting in which the document was adopted and the final product with the adoption date clearly indicated.

2. UCP 02: Annual Notice

The LEA annually notifies in writing its students, employees, parents or guardians of its students, the district advisory committee, school advisory committees, appropriate private school officials or representatives, and other interested parties of their uniform complaint procedures. The annual notice shall have all language and components of required elements for applicable state and federal laws and regulations.

Upon review of the UCP 2 document, "SDUSDUCPAnnNotice1819.docx," the LEA does not meet requirements for UCP 2 because, even though the UCP annual notice contains all language of required elements according to the 2018-2019 UCP Instrument, the revised notice must still be provided in writing to all of the LEA's students, employees, parents or guardians of its students, the district advisory committee, school advisory committees, appropriate private school officials or representatives, and other interested parties.

The LEA must upload on CMT evidence that staff provided the UCP Annual Notice in writing to

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